

US Army Corps of Engineers®

LOS ANGELES DISTRICT

SPECIAL PUBLIC NOTICE

ESTABLISHMENT OF THE PILGRIM CREEK MITIGATION BANK

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Date of Notice: June 12, 2000

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Sponsor(s)

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Description of the Mitigation Bank

The District Engineer is pleased to announce the establishment of the Pilgrim Creek Mitigation Bank (Mitigation Bank), located in the City of Oceanside, San Diego County which will be operated and managed by the California State Department of Transportation (Caltrans) and San Diego Association of Governments (SANDAG) until December 31, 2001 or until success criteria are fulfilled (see attached map for Mitigation Bank location). Caltrans and SANDAG have established this Mitigation Bank to restore 19.2 acres of riparian floodplain habitat suitable for occupation by the Federally-listed endangered least Bell's vireo (*Vireo bellii pusillus*). As of this notice, the parcel is in the process of being transferred to California Department of Fish and Game (CDFG), who will manage and conserve this site as open space in perpetuity.

Caltrans purchased a 49.8-acre site adjacent to Pilgrim Creek as a mitigation requirement to create or restore 27.8 acres of wetlands from a 1995 Section 404 permit to improve State Route 76 (SR 76). The 19.2 acres of the restoration site available for the Mitigation Bank are in excess of the SR 76 Section 404 permit mitigation requirements. The site has been degraded by historic agricultural use and recent off-highway vehicle use, and was proposed for residential development. Restoration began in February 1996 and consisted of lowering the site by approximately three feet, restoring the hydrologic connection with Pilgrim Creek by breaching the existing levee in multiple locations, and planting the site with wetland and riparian species.

Use of the Mitigation Bank

Geographic Service Area of the Mitigation Bank: The Mitigation Bank is established to provide compensatory mitigation for impacts to waters of the U. S. including wetlands within the San Luis Rey Watershed (primary Service Area). Compensatory mitigation for impacts to waters of the U.S. occurring in watersheds south of San Luis River watershed (northern San Diego County west of I-15 and north of San Dieguito River (secondary Service Area)) is allowed within the Mitigation Bank once the project has conducted a 1:1 (acreage) mitigation within the watershed of impact (see attached map for Service Areas).

Projects Eligible to Use the Mitigation Bank: For projects requiring authorization under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act, the U. S. Army Corps of Engineers (Corps), in consultation with other regulatory and resource agencies, determines eligibility of projects to use the Mitigation Bank on a case-by-case basis. Use of the Mitigation Bank is contingent upon Corps approval and subject to the following conditions:

1. The Corps has met the requirements of the 404(b)(1) Guidelines and the 1990 Memorandum of Agreement (MOA) between EPA and the Corps on "Policy and Procedures for Determination of Mitigation Under Section 404(b)(1) Guidelines". This MOA stipulates that all efforts must be made to avoid and minimize impacts and that mitigation only be used to compensate for unavoidable impacts.
2. Credits from the Mitigation Bank are only available for compensation of unavoidable impacts to waters of the U.S. including wetlands and mitigation of in-kind impacts to riparian and aquatic habitats.
3. The Mitigation Bank will not be considered for mitigation of unavoidable losses to unique wetlands such as, but not limited to, vernal pools, tidal wetlands, saltmarshes, seeps, or alkali marshes. The alkali marsh portion of the restoration site is not part of the Mitigation Bank as it is being used as mitigation for the State Route 76 project.

Mitigation Ratios and Credit Availability: The Corps, using a crediting and debiting procedure established in the Mitigation Banking Instrument, will determine mitigation ratios. The procedure is based on an assessment of the riparian functions established at the Mitigation Bank and the riparian functions lost at the permitted project site. A total of 19.2 credits will be available for use as mitigation in accordance with all applicable requirements outlined in the Mitigation Banking Instrument.

Implementing Mechanisms for the Mitigation Bank

The Mitigation Bank is being implemented by a Memorandum of Agreement (MOA) among the Corps, CDFG, Caltrans, and SANDAG.

Public Comment

A Public Notice describing the proposed mitigation bank was issued on May 8, 1998 and sent to all interested parties (Corps mailing list), including appropriate state and federal agencies. Comments are available upon request.

In accordance with the National Environmental Policy Act, an Environmental Assessment (EA) was prepared for this Mitigation Bank. The EA may be viewed at, or requested from the Los Angeles District of the Corps of Engineers.

For additional information please call Susan Sturges of my staff at (213) 452-3418. This public notice is issued by the Chief, Regulatory Branch.

INDEX OF SHEETS

STATE OF CALIFORNIA

DEPARTMENT OF TRANSPORTATION

PROJECT PLANS FOR HIGHWAY PLANTING ON STATE HIGHWAY

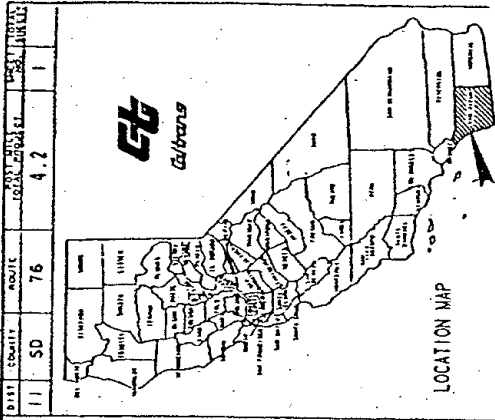
IN SAN DIEGO COUNTY

IN SAN DIEGO COUNTY

IN OCEANSIDE ON DOUGLAS DRIVE

AT THE INTERSECTION OF VIA CIBOLA

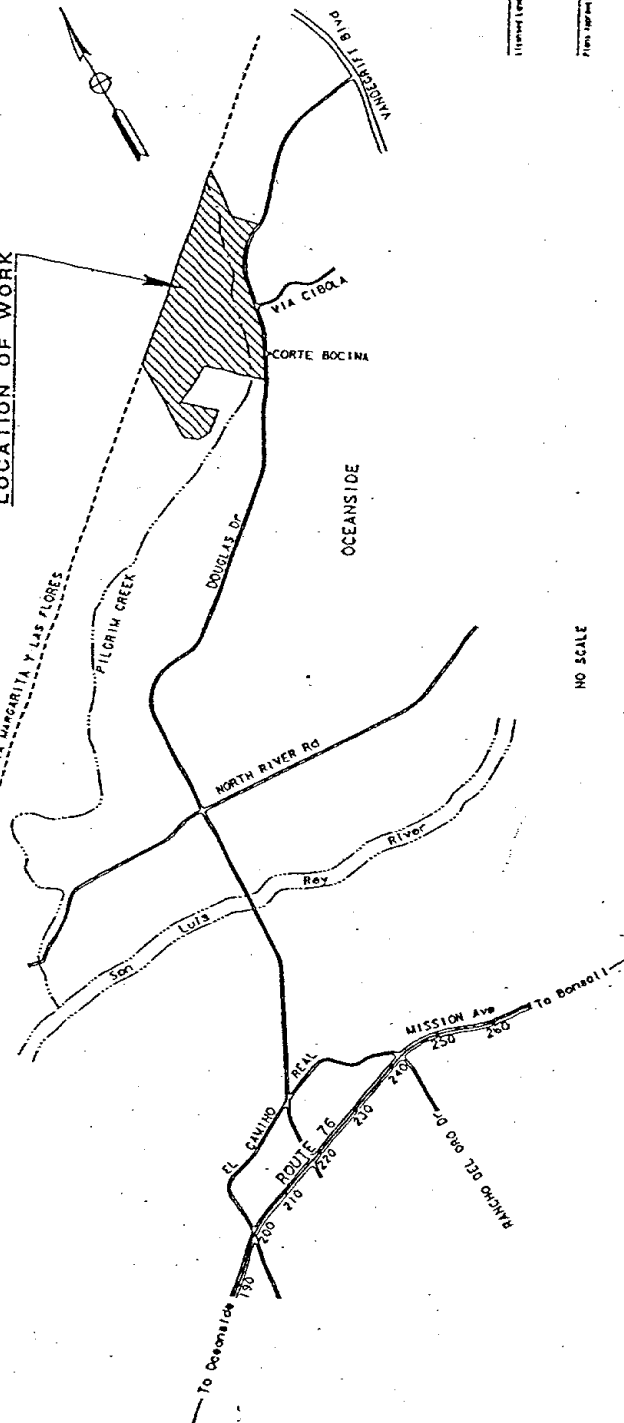
To be supplemented by Standard Plans dated July, 1992



MARINE CORPS BASE
CAMP JOSEPH H PENDLETON

RANCHO SANTA MARGARITA Y LAS FLORES

LOCATION OF WORK



NO SCALE

The Contractor shall possess the Class (or Classes) of license
as specified in the "Notice to Contractors".



Official (Signature and Title)

Date (Month/Day/Year)

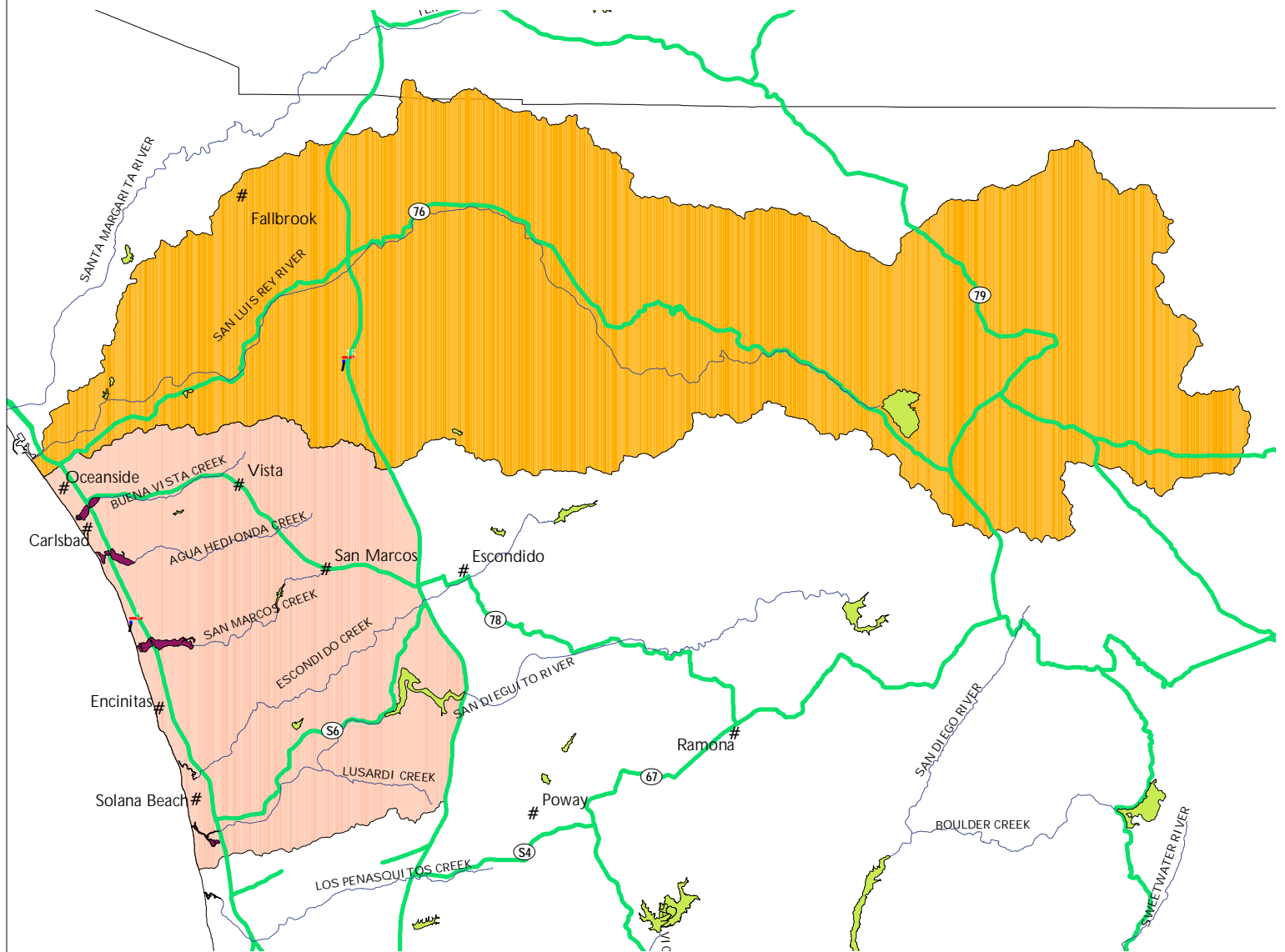
Contract No. 11-022004

EA 022001

CU 11341

FOR VERTICAL CURVES
ORIGINAL SCALE IS IN INCHES

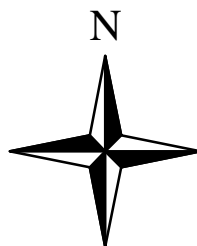
Pilgrim Creek Mitigation Bank Service Areas



Legend

- # Cities
- Streams
- Freeways
- Service Areas
 - Primary Service Area
 - Secondary Service Area

0 5 10 15 20 Miles



This map was generated by the Regulatory Branch of the United States Army Corps of Engineers, Los Angeles District using data from SANDAG.

The map was generated on December 8, 1999.